

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

BARBARA FORLASTRO
AND ROBERT G. FORLASTRO,
AS CO-ADMINISTRATORS OF
THE ESTATE OF ROBERT J. FORLASTRO

: CIVIL ACTION NO.
3:06cv01541 (RNC)

VS.

:

JAMES COLLINS

:

FEBRUARY 27, 2007

REPORT OF PARTIES' PLANNING MEETING

Pursuant to Fed. R. Civ. P. 16(b), 26(f) and Local Civil Rule 26(e), the undersigned counsel for the parties conferred on February 23, 2007. The participants were **Michael A. Stratton of Stratton Faxon** for the plaintiffs and **Marisa A. Bellair of Lynch, Traub, Keefe & Errante, P.C.** for the defendant.

Date Complaint Filed: October 3, 2006

Date Complaint Served: December 3, 2006

Date of Defendant's Appearance: January 24, 2007

I. **CERTIFICATION**

Undersigned counsel certify that they have discussed the nature and basis of the parties' claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case and have developed the following proposed case management plan.

II. **JURISDICTION**

The plaintiff contends that this Court has jurisdiction over the claims presented in this action pursuant to 28 U.S.C. § 1332. The defendant denies the plaintiff's allegation and intends to contest the plaintiff's claim by filing a Motion to Dismiss and/or Motion to Transfer on the basis that venue in this district is improper pursuant to 28 U.S.C. § 1391 (a).

III. **BRIEF DESCRIPTION OF THE CASE**

A. ***Claims of plaintiff:*** As a result of the carelessness and negligence of the defendant in operating a vehicle, the plaintiff's decedent suffered serious, painful and permanent injuries and death.

B. **Defenses and Claims of Defendant:**

The defendant denies that he was negligent. He intends to assert the affirmative defense of contributory negligence.

C. **Defenses and Claims of Third Party Defendants:** Not applicable at the present time.

IV. **STATEMENT OF UNDISPUTED FACTS**

Counsel certify that they have made a good faith attempt to determine whether there are any material facts that are not in dispute. The parties state that the following material facts are undisputed:

1. The plaintiffs are residents of the State of Connecticut.
2. The Defendant is a resident of New York.

V. **CASE MANAGEMENT PLAN**

A. **Standing Order on Scheduling in Civil Cases**

The parties request a modification of the deadlines in the Standing Order on Scheduling in Civil Cases as follows:

1. Joinder of parties and claims and amendments of pleadings will be completed in accordance with Part VD, below.
2. Motions to Dismiss based on the pleadings will be filed subsequent to a prefiling conference with the court.
3. Discovery will be completed in accordance with section VE, below.
4. Motions for Summary Judgment will be filed in accordance with Part VF, below.

B. Scheduling Conference with the Court

The parties do request a pre-trial conference with the Court before entry of a scheduling order pursuant to Fed. R. Civ. P. 16(b).

C. Early Settlement Conference

1. The parties certify that they have considered the desirability of attempting to settle the case before undertaking significant discovery or motion practice. Settlement is unlikely at this time.

2. The parties do not request an early settlement conference.

3. Should the court schedule a conference, the parties prefer a settlement conference with a presiding judge.

4. The parties do not request a referral for alternative dispute resolution pursuant to D. Conn. L.Civ. R. 36.

D. Joinder of Parties and Amendment of Pleadings.

1. Plaintiffs should be allowed until June 1, 2007, to file motions to join additional parties and until same date to amend his pleadings.

2. Defendants should be allowed until July 1, 2007 to file motions to join additional parties and until same date to file a response to the complaint.

E. Discovery.

1. The parties anticipate that discovery will be needed on the following subjects: all of the plaintiffs' claims, all of the affirmative allegations of the defense, and damages.

2. All discovery, including depositions of expert witnesses pursuant to Fed. R.Civ.P.26(b)(4), will be commenced immediately, pursuant to Court order, and completed (not propounded) by December 30, 2007.

3. Discovery will not be conducted in phases.

4. Discovery will be completed by December 30, 2007.

5. The parties anticipate the Plaintiffs will require a total of five (5) fact witness depositions and the Defendants will require a total of five (5) fact witness depositions. Depositions will commence immediately and be completed on or before the close of discovery.

6. The parties will serve no more than twenty-five (25) interrogatories each.

7. Plaintiffs intend to call expert witnesses at trial. Plaintiffs will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) by September 1, 2007. Depositions of any such experts will be completed by October 30, 2007.

8. Defendant intends to call expert witnesses at trial. Defendant will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) by November 1, 2007. Depositions of such experts will be completed by December 30, 2007.

9. A damages analysis will be provided by any party who has a claim or counterclaim for damages by August 1, 2007.

F. Disposition Motions:

Dispositive motions will be filed within one month after the completion of discovery.

G. Joint Trial Memorandum.

The joint trial memorandum required by the Standing Order on Trial Memoranda in Civil Cases will be filed by March 30, 2008, or within sixty (60) days of the ruling of any dispositive motions, whichever is later.

VI. TRIAL READINESS

The case will be ready for trial by April 30, 2008, or within sixty (60) days of the ruling on any dispositive motion, whichever is later.

As officers of the Court, undersigned counsel agree to cooperate with each other and the Court to promote the just, speedy and inexpensive determination of this action.


THE PLAINTIFFS
BARBARA FORLASTRO
AND ROBERT G. FORLASTRO,
AS CO-ADMINISTRATORS OF
THE ESTATE OF ROBERT J. FORLASTRO

Michael A. Stratton, Esq.
Stratton Faxon
Federal Bar No.: ct 08166
59 Elm Street
New Haven, CT 06510
Tel.: (203) 624-9500
Fax: (203) 624-9100
Email: mstratton@strattonfaxon.com

Date: 2/27/07

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THE DEFENDANT
JAMES COLLINS



Marisa A. Bellair, Esq.
Lynch, Traub, Keefe & Errante, P.C.
Federal Bar No.: ct 23802
52 Trumbull Street
New Haven, CT 06510
(203)787-0275
Fax (203)782-0278

Date: 2/26/07